

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ANTHONY LEON JOHNSON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**CASE NO. 1:03-CR-5053 AWI
(Civil Case 1:16cv1946 AWI)**

**ORDER LIFTING STAY AND
GRANTING PETITIONER
ADDITIONAL TIME TO RESPOND TO
THE DECISION IN *BECKLES***

This is a petition for relief from sentence under 28 U.S.C. § 2255. On February 16, 2017, the Ninth Circuit granted permission to Petitioner to file a successive § 2255 based on the recent Supreme Court decisions in *Johnson v. United States*, 135 S.Ct. 2551 (2015) and *Welch v. United States*, 136 S.Ct. 1257 (2016). See Doc. No. 123. Petitioner's petition challenges the constitutionality of Sentencing Guideline 4B1.2(a). See Doc. No. 125.

On February 27, 2017, the Court stayed this matter until the Supreme Court issues at decision in *Beckles v. United States* (Supreme Court No. 15-8544). See Doc. No. 126.

On March 6, 2017, the Supreme Court issued a decision in *Beckles* and held that the advisory Sentencing Guidelines are not subject to vagueness challenges under the Due Process Clause. The same day, Petitioner's counsel sent notice to the Court regarding *Beckles*. See Doc. No. 127. The notice requests that the Court defer ruling on the petition, and asks for 30 days in which to contact petitioner and submit an additional "filing" in light of *Beckles*. See id.

Now that *Beckles* has been decided, there is no reason to keep the stay in place. The Court will lift the stay, and give Petitioner 30 days in which to submit additional briefing/an additional filing in light of *Beckles*.

Accordingly, IT IS HEREBY ORDERED that:

1. The stay in this matter, issued on February 27, 2017, is LIFTED; and
2. Within 30 days of service of this order, Petitioner shall submit additional briefing/an additional filing in light of the Supreme Court's March 6, 2017 decision in *Beckles v. United States* (Supreme Court No. 15-8544).

IT IS SO ORDERED.

Dated: March 8, 2017



SENIOR DISTRICT JUDGE